

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:13-cr-00222-TWP-DML
)	
MARCUS TRICE,)	-01
)	
Defendant.)	

ENTRY ADOPTING REPORT AND RECOMMENDATION

On January 29, 2019, defendant Marcus Trice appeared in person with his appointed counsel, Michael Donahoe. The government appeared by Michelle Brady, Assistant United States Attorney. The United States Probation Office (“USPO”) appeared by Officer Tim Hardy. A hearing was held before the Magistrate Judge on allegations that Trice violated conditions of supervised release. At the hearing, while under oath, Trice admitted that he had violated the conditions of his supervised release by testing positive for illegal substances as alleged in “Violation 1.” The parties jointly recommended a modification to Mr. Trice’s conditions of supervised release to include residing at a residential reentry center for one-hundred and eighty (180) days. In addition, the parties waived the fourteen-day period to object to the Report and Recommendation. Mr. Trice entered the stipulations and waivers after being notified by the Magistrate Judge that the District Court may refuse to accept the stipulations and waivers and conduct a revocation hearing pursuant to Title 18 U.S.C. '3561 *et seq.* and Rule 32.1 of the Federal Rules of Criminal Procedure and may reconsider the Magistrate Judges Report and Recommendation, including making a *de novo* determination of any portion of the Report or specified proposed findings or recommendation upon which she may reconsider. See dkt. 57 at 4.


On February 11, 2019, Trice, *pro se*, submitted a letter to the Court, requesting that he not be sent to the Volunteers of America (“VOA”) and that he finish the remaining eleven months of supervised release without being sent to VOA. Trice does not dispute that he violated the conditions of his release. His request is based on his desire to care for his mother who has health needs, to care for his 11-year-old daughter, concerns about being able to maintain self-employment at his business, and request to attend drug treatment on his own. (Dkt. 56).

On February 15, 2019, the Magistrate Judge submitted a Report and Recommendation regarding the United States Probation Office’s Petition for Warrant or Summons for Offender Under Supervision (Dkt. 57). Having considered Trice’s letter and the Magistrate Judge’s Report and Recommendation, the Court determines that Trice is in need of the substance abuse treatment and supervision provided by VOA. Working with his probation officer, he may be able to maintain self-employment in his lawn care business. If Trice does well, stays “drug free” as he has promised, complies with the rules of VOA and can show (both the Court and his probation officer) that the full 180-day VOA commitment is unnecessary, he may petition the Court for a modification of this condition of supervised release.

For the reasons explained above, the Court **adopts the Magistrate Judge’s Report and Recommendation.**

IT IS SO ORDERED.

Date: 3/6/2019

A handwritten signature in black ink, reading "Tanya Walton Pratt", written over a horizontal line.

TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Michelle Patricia Brady
UNITED STATES ATTORNEY'S OFFICE
michelle.brady@usdoj.gov

William H. Dazey, Jr.
INDIANA FEDERAL COMMUNITY DEFENDERS
bill.dazey@fd.org

Michael J. Donahoe
INDIANA FEDERAL COMMUNITY DEFENDERS
mike.donahoe@fd.org

Marcus James Trice
2182 N. Dexter Street
Indianapolis, IN 46202